

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #1	CCRB Case #: 201902279	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/14/2019 7:00 PM	Location of Incident: 99 Amador Street	Precinct: 120	18 Mo. SOL 9/14/2020	EO SOL 5/1/2021	
Date/Time CV Reported Thu, 03/14/2019 8:48 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 03/14/2019 8:48 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Cecilio Ramos	22729	947380	SRG 5
2. SGT Daniel Hachemeister	03870	949074	SRG 5
3. POM Devon Newland	15106	964185	121 PCT
4. POM Tarek Abdelrehim	15763	963828	121 PCT
5. POM Robert Semioli	22740	964286	121 PCT
6. POM Nathaniel Beck	14800	963866	121 PCT
7. POM Michael Camerada	00214	964958	121 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Simone	11176	948136	121 PCT
2. POF Toniann Morro	21679	963173	121 PCT
3. POM Christophe Schiro	15133	956244	121 PCT
4. POM Vito Ingrassia	14177	960706	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Daniel Hachemeister	Force: Sergeant Daniel Hachemeister used physical force against § 87(2)(b)	
B.POM Cecilio Ramos	Force: Police Officer Cecilio Ramos used physical force against § 87(2)(b)	
C.POM Tarek Abdelrehim	Force: Police Officer Tarek Abdelrehim used physical force against § 87(2)(b)	
D.POM Devon Newland	Force: Police Officer Devon Newland used physical force against § 87(2)(b)	
E.SGT Daniel Hachemeister	Force: Sergeant Daniel Hachemeister used a Taser on § 87(2)(b)	
F.POM Nathaniel Beck	Force: Police Officer Nathaniel Beck used physical force against § 87(2)(b)	
G.POM Michael Camerada	Abuse: Police Officer Michael Camerada threatened to arrest § 87(2)(b) and individuals.	

Officer(s)	Allegation	Investigator Recommendation
H.POM Robert Semioli	Abuse: Police Officer Robert Semioli threatened to arrest § 87(2)(b) and individuals.	

Case Summary

On March 14, 2019, § 87(2)(b) called the CCRB and filed this compliant on behalf of herself and her boyfriend, § 87(2)(b).

On March 14, 2019, at approximately 7 p.m., in front of 99 Amador Street in Staten Island, Sergeant Daniel Hachemeister and Police Officer Cecilio Ramos of Strategic Response Group 5, and Police Officers Tarek Abdelrehim and Devon Newland from the 121st Precinct, used physical force against § 87(2)(b) during an arrest (**Allegations A through D: Force,** § 87(2)(g) Sgt. Hachemeister used his Taser on § 87(2)(b) (**Allegation E: Force,** § 87(2)(g) Police Officer Nathaniel Beck of the 121st Precinct pushed § 87(2)(b) (**Allegation F: Force,** § 87(2)(g) Police Officers Michael Camerada and Robert Semioli of the 121st Precinct threatened to arrest § 87(2)(b) and three unidentified civilian witnesses (**Allegations G and H: Abuse of Authority,** § 87(2)(g).

Besides § 87(2)(b) no other arrests or summonses resulted from this incident.

Police body-worn camera (BWC) and cell phone footage were received for this incident (Board Review 01-Board Review 05).

Allegation (A) Force: Sergeant Daniel Hachemeister used physical force against § 87(2)(b).

Allegation (B) Force: Police Officer Cecilio Ramos used physical force against § 87(2)(b).

Allegation (C) Force: Police Officer Tarek Abdelrehim used physical force against § 87(2)(b).

Allegation (D) Force: Police Officer Devon Newland used physical force against § 87(2)(b).

Allegation (E) Force: Sergeant Daniel Hachemeister used a Taser on § 87(2)(b).

The following facts are undisputed. On March 14, 2019, at approximately 7 p.m., Sgt. Hachemeister, PO Ramos, PO Newland, and PO Abdelrehim went to 99 Amador Street in Staten Island to arrest § 87(2)(b) on an open complaint report (Board Review 06). The officers, upon their arrival, saw § 87(2)(b) washing a vehicle on a sidewalk. The officers approached § 87(2)(b) and ordered him to put his hands behind his back. § 87(2)(b) refused, and tried to walk away. The officers grabbed § 87(2)(b)'s arms and tried to pull them behind his back. § 87(2)(b) held his arms to his side and refused to put them behind his back. The officers then tried to tip § 87(2)(b) over to the ground, but § 87(2)(b) wrestled and struggled with them. The officers eventually brought § 87(2)(b) to the ground, and he landed on his side. Some of the officers got on top of § 87(2)(b) and tried to get his arms. § 87(2)(b) continued to struggle with the officers, and tried to get up on his feet. Sgt. Hachemeister drew his Taser, ordered the other officers to step back, and tased § 87(2)(b). The Taser discharge was, however, ineffective. § 87(2)(b) got up from the ground and ran into the middle of the street. The officers grabbed § 87(2)(b) and brought him down to the ground a second time. § 87(2)(b) continued to wrestle with the officers and failed to give them his arms. Sgt. Hachemeister and at least one other officer thus struck § 87(2)(b) in the torso and ribs, respectively. The officers eventually placed § 87(2)(b) in handcuffs, and transported him to the 121st Precinct stationhouse. § 87(2)(b) was subsequently transported via ambulance to Richmond University Medical Center, where he received treatment for minor abrasions to his hands and knees.

§ 87(2)(b) (Board Review 07) said he struggled with the officers and resisted arrest because the officers repeatedly failed to tell him why he was being arrested.

Sgt. Hachemeister (Board Review 08) said the officers informed § 87(2)(b) the reason for his arrest, and that the Taser and force used against § 87(2)(b) was reasonable and necessary to gain compliance and prevent § 87(2)(b) from further resisting. Sgt. Hachemeister also said he deployed

his Taser because he feared § 87(2)(b) would overpower and potentially hurt the officers effecting the arrest. The Taser darts struck § 87(2)(b)'s back, but did not penetrate his clothing, and thus proved to be ineffective.

§ 87(2)(b) provided a partial cell phone recording of this incident, which she filmed of the cellphone of an unidentified female witness. § 87(2)(b) was unable to obtain the original recording of the incident. The video (Board Review 05) shows Sgt. Hachemeister and at least two other officers on top of § 87(2)(b) who is lying on the ground on the sidewalk and is yelling, "Why are you arresting me." The officers appear to be reaching for § 87(2)(b)'s arms. At 00:45, § 87(2)(b) and the officers stand up and appear to be struggling. Three civilian bystanders yell and tell § 87(2)(b) to stop resisting, but the struggle between § 87(2)(b) and the officers continues. The video ends at 01:46.

The BWC videos (Board Review 01 – Board Review 04) generally show the additional officers arriving on scene subsequent to the initial interaction between Sgt. Hachemeister PO Ramos, PO Newland, PO Abdelrehim, and § 87(2)(b) and thus does not depict any of the above referenced allegations. (Sgt. Hachemeister and PO Ramos were not equipped with BWCs).

NYPD Patrol Guide Procedure 221-01, permits officers to use force when it is reasonable to ensure their safety or a third person, and to gain compliance and prevent escape from custody (Board Review 10). NYPD Patrol Guide Procedure 221-08, states that conducted electrical weapon (CEW) should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons actually present. Active resistance includes physically evasive movements to defeat a member of the services' attempt at control. Active aggression consists of a threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent (Board Review 11).

§ 87(2)(b), § 87(2)(g)

Allegation (F) Force: Police Officer Nathaniel Beck used physical force against § 87(2)(b).

PO Beck's BWC (Board Review 01) shows him and some other officers arriving on scene and running into the middle of the street. At 00:33, PO Beck approaches § 87(2)(b) who is lying on his stomach, and approximately three officers, who are crouched over § 87(2)(b) and appears to attempt to handcuff him. PO Beck gets down and grabs onto § 87(2)(b)'s legs. Other officers appear to form a boundary between the officers arresting § 87(2)(b) and a group of approximately five civilians, who are standing approximately three to five feet away. Approximately three officers instruct the civilians to move back approximately five times. The civilians, however, remain standing in the same spot and ask the officers why § 87(2)(b) is being arrested. At 00:40, PO Beck approaches the civilians, screams, "Back up," and almost immediately pushes one of the civilians, identified via investigation as § 87(2)(b) on her chest, causing her to take approximately three steps back. § 87(2)(b) approaches PO Beck and together with the other civilians on scene vocally object to PO Beck pushing § 87(2)(b). At 00:47, and 00:52, PO Beck pushes § 87(2)(b) on her chest two more times, and she backs into a parked vehicle. PO Beck then walks away. None of the other officers appear to push any of the other civilians.

§ 87(2)(b) (Board Review 09) said she was attempting to move back at the time PO Beck pushed her on her chest, and that she remained on the street because she wanted to know why § 87(2)(b) was being arrested.

PO Beck (Board Review 12) said § 87(2)(b) and the other civilians stood in close proximity to the officers, which was unsafe and unacceptable, and subsequently refused multiple lawful orders to move back. PO Beck thus pushed § 87(2)(b) to gain compliance as well as establish a safe distance for the officers arresting § 87(2)(b).

As already discussed, NYPD Patrol Guide Procedure 221-01, permits officers to use force when it is reasonable to ensure their safety, and to gain lawful compliance.

§ 87(2)(b), § 87(2)(g)

Allegation (G) Abuse of Authority: Police Officer Michael Camerada threatened to arrest § 87(2)(b) and individuals.

Allegation (H) Abuse of Authority: Police Officer Robert Semioli threatened to arrest § 87(2)(b) and individuals.

It is undisputed that PO Semioli and PO Camerada informed § 87(2)(b) and the group of civilians on scene that they could be arrested if they continued to remain on the street.

§ 87(2)(b) provided names and contact information for two of the civilians, § 87(2)(b) and § 87(2)(b) but they were uncooperative with the investigation (Board Review 13).

PO Semioli's and PO Camerada's BWCs shows multiple officers instructing § 87(2)(b) and the other civilians to move away from the street, and stand on the sidewalk. None of the civilians comply with the officers' orders. At 01:13, PO Camerada says to the civilians, "We will arrest you for OGA if you don't get on the sidewalk," and "Stand on the sidewalk or you will be arrested for OGA." (Board Review 02). At 01:34, PO Semioli says to § 87(2)(b) "If you guys get in the way, you will be arrested." (Board Review 03).

PO Semioli (Board Review 14) and PO Camerada (Board Review 15) said they had no intention of arresting any of the civilians on scene, but that they only told the civilians the consequence of their continued refusal to comply with the officers' lawful orders. PO Semioli and PO Camerada said the civilians' close proximity to the officers presented a safety concern for all parties, and thus determined that the sidewalk was the best and safest place for the civilians to stand. § 87(2)(b), § 87(2)(g)

A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs, or prevents the administration of law or other governmental function or attempts to prevent a public servant from performing an official function. New York Penal Law § 195.05 (Board Review 16). A person is guilty of disorderly conduct when, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: obstructs vehicular or pedestrian traffic. New York Penal Law § 240.20(5) (Board Review 17).

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (Board Review 18).

- Sgt. Hachemeister has been a member-of-service for nine years, and has been a subject in three CCRB complaints and six allegations, none of which were substantiated, § 87(2)(g)
- PO Ramos has been a member-of-service for 11 years, and has been a subject in five CCRB complaints, and 10 allegations, none of which were substantiated, and § 87(2)(g)
- PO Newland has been a member-of-service for two years, and has been a subject in one CCRB complaint and three allegations, which is currently pending investigation. PO § 87(2)(g)
- PO Abdelrehim has been a member-of-service for two years, and this is the first CCRB complaint to which he has been a subject.
- PO Camerada has been a member-of-service for two years, and this is the first CCRB complaint to which he has been a subject.
- PO Semioli has been a member-of-service for two years, and has been a subject in once CCRB complaint and one allegation, which was not substantiated, § 87(2)(g)
- PO Beck has been a member-of-service for two years, and has been a subject in two CCRB complaints and nine allegations, two of which were substantiated.
 - Case # 201903838 involved substantiated failure to produce RTKA card and search of a person allegations. The Board recommended command level instructions. The NYPD is yet to impose discipline.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On March 27, 2020, a Notice of Claim inquiry was sent the NYC Office of the Comptroller, and the inquiry is still pending. The result will be added to the case file upon receipt (Board Review 19).
- § 87(2)(b)
- § 87(2)(b)

Squad No. 1

Investigator: Enoch Sowah Inv. Sowah 03/30/20
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda 3.31.20
Signature Print Title & Name Date